

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Peter Lynch**

Case No.: 11-37512

Judge: _____

Debtor(s)

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 500.00 Monthly to the Chapter 13 Trustee, starting on October 1, 2011 for approximately 60* months.

*amount paid to date completes plan

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:
mortgages on home on 43 Belcher Road to be treated outside plan as per stay relief

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Joan Sirkis Warren ~JL4841	Attorney Fees	2,000.00
State of NJ Division of Taxation	Taxes and certain other debts	0.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
			0.00		0.00
			0.00		0.00

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

Ford Motor Credit
Harley Davidson Credit
National City Mortgage
Valley National Bank

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$____ to be distributed *pro rata*

 X Not less than 100 percent

____ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/25/2016 .

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
motion for relief was entered on home and IRS and Twp of Blairstown have been paid outside the plan	IRS and Twp of Blairstown have been removed from Part 3, Caliber Homes is listed as being treated outside the plan, HSBC and National City Mortgage have been removed from Part 4a

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date October 25, 2016 /s/ Joan Sirkis Warren
Joan Sirkis Warren
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 25, 2016 /s/ Peter Lynch
Peter Lynch
Debtor

Date: _____
Joint Debtor

Imaged Certificate of Notice Page 6 of 7

United States Bankruptcy Court
District of New JerseyIn re:
Peter A Lynch
DebtorCase No. 11-37512-KCF
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 39

Date Rcvd: Nov 22, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 24, 2016.

db +Peter A Lynch, 43 Belcher Rd, Blairstown, NJ 07825-2108
 aty +Elaine Nichols, 1878 Mountain Rd., P.O. Box 1424, Stowe, VT 05672-1424
 cr ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company, LLC, P.O. Box 6275,
 Dearborn, MI 48121)
 r +Robert H. McLeod, 399 Mansfield View Road, Stowe, VT 05672-4319
 cr +U.S. Bank Trust, N.A., as Trustee for LSF9 Master, Phelan Hallinan & Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 512372860 AAA, PO Box 15726, Wilmington, DE 19886-5289
 512372862 Bryan Well Drilling, c/o Pearl & Levy, 175 Fairfield Avenue, Suite 4B,
 Caldwell, NJ 07006-6415
 512372861 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: AT&T Universal Card, PO Box 182564, Columbus, OH 43218-2564)
 515208083 +Caliber Home Loans, Inc., 13801 Wireless Way, Oklahoma City, OK 73134-2500
 515208084 +Caliber Home Loans, Inc., 13801 Wireless Way, Oklahoma City, OK 73134-0330,
 Caliber Home Loans, Inc., 13801 Wireless Way, Oklahoma City, OK 73134-2500
 512372863 +Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
 512372866 Chase Cardmember Service, PO Box 15153, Wilmington, DE 19886-5153
 512372867 +Citibank, PO Box 183064, Columbus, OH 43218-3064
 512372868 +Citibank, PO Box 183066, Columbus, OH 43218-3066
 512372870 +Edward Palmer, Esquire, 216 High Street, Box 485, Hackettstown, NJ 07840-1941
 512372873 HSBC Mortgage Corporation (USA), Suite 3425, Buffalo, NY 142700241
 512693151 +HSBC Mortgage Services, Inc., P.O. Box 21188, Eagan, Minnesota 55121-0188
 514863569 +HSBC Mortgage Services, Inc., PO Box 21188, Eagan, MN 55121-0188
 512473232 +Harley-Davidson Credit Corp., PO BOX 829009, Dallas, TX 75382-9009
 512372875 +John Shoemaker, PO Box 14, Great Meadows, NJ 07838-0014
 512372876 +Joseph Campolo, c/o Ed Palmer, Esquire, 216 High Street, PO Box 485,
 Hackettstown, NJ 07840-0485
 512372877 National City Mortgage, PO Box 1820, Dayton, OH 45401-1820
 512372879 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of NJ Division of Taxation, Corp Service Audit-B,
 PO Box 277, Trenton, NJ 08695)
 513166216 +Sallie Mae Inc. on behalf of NJHESAA, P.O. Box 548, Trenton, NJ 08625-0548
 512372880 +Township of Blairstown, 106 Rt 94, Blairstown, NJ 07825-2208
 512446538 +Valley National Bank, 1445 Valley Rd., Wayne, NJ 07470-8438
 512372881 +Valley National Bank, PO Box 953, Wayne, NJ 07474-0953
 512512973 +Zucker, Goldberg & Ackerman, LLC, Joel A. Ackerman, Esquire.,
 Attorney for Wilmington Trust Co., 200 Sheffield Street, Suite 101,
 Mountainside, NJ 07092-2315
 512393956 eCAST Settlement Corporation assignee of Capital, One Bank, POB 35480,
 Newark NJ 07193-5480
 512393957 eCAST Settlement Corporation assignee of FIA Card, Services aka Bank of America, POB 29262,
 New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 22 2016 23:07:59 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Nov 22 2016 23:07:57 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235512385530 E-mail/Text: mrdiscen@discover.com Nov 22 2016 23:07:11 Discover Bank,
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025512372869 E-mail/Text: mrdiscen@discover.com Nov 22 2016 23:07:11 Discover Card, P.O. Box 6103,
Carol Stream, IL 60197-6103512372872 E-mail/Text: bankruptcy.notices@hdfsi.com Nov 22 2016 23:08:39 Harley Davidson Credit,
8529 Innovation Way, Chicago, IL 60682-0085512372874 E-mail/Text: cio.bncmail@irs.gov Nov 22 2016 23:07:28 Internal Revenue Service,
Special Procedures, PO Box 744, Springfield, NJ 07081-0744512466424 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 22 2016 23:06:19
Portfolio Recovery Associates, LLC, c/o Citibank, POB 41067, Norfolk VA 23541512466430 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 22 2016 23:06:33
Portfolio Recovery Associates, LLC, c/o Rosens Outlet Center, POB 41067,
Norfolk VA 23541513163235 E-mail/PDF: pa_dc_litigation@navient.com Nov 22 2016 22:59:54
Sallie Mae Inc. on behalf of USA FUNDS, Attn: Bankruptcy Litigation Unit E3149,
P.O. Box 9430, Wilkes-Barre, PA 18773-9430

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

512611721 Wilmington Trust Company, c/o Zucker, Goldberg & Ackerman, LLC

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 39

Date Rcvd: Nov 22, 2016

512372864* +Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
512372865* +Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
512372871* ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit, PO Box 537901, Livonia, MI 48153-9905)
512424473* ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Company LLC, Dept 55953, P O Box 55000,
Detroit MI 48255-0953)
512372878* National City Mortgage, PO Box 1820, Dayton, OH 45401-1820
512518416* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Compliance Activity,
P O Box 245, Trenton, New Jersey 08695)
512393958* eCAST Settlement Corporation assignee of Capital, One Bank, POB 35480,
Newark NJ 07193-5480

TOTALS: 1, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 24, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Andrew L. Spivack on behalf of Creditor CALIBER HOME LOANS, INC., servicer for U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, asTrustee, for MASTR Alternative Loan Trust 2005-5 bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Joan Sirkis Warren on behalf of Debtor Peter A Lynch joan@joanlaverylaw.com
Joel A. Ackerman on behalf of Creditor GMAC Mortgage, LLC jackerman@zuckergoldberg.com
Joel A. Ackerman on behalf of Creditor Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, asTrustee, for MASTR Alternative Loan Trust 2005-5 jackerman@zuckergoldberg.com
Joel A. Ackerman on behalf of Creditor Wilmington Trust Company not in its individual capacity but solely as Successor Trustee to U.S. Bank National Association, as Trustee, for MASTR Alternative Loan Trust 2005-5 bankruptcynotice@zuckergoldberg.com
Joel A. Ackerman on behalf of Creditor GMAC MORTGAGE, LLC jackerman@zuckergoldberg.com
John Philip Schneider on behalf of Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust nj.bkecf@fedphe.com
John Philip Schneider on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS, INC., AS ITS ATTORNEY IN FACT nj.bkecf@fedphe.com
John R. Morton, Jr. on behalf of Creditor Ford Motor Credit Company, LLC mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com
R. A. Lebron on behalf of Creditor HSBC CONSUMER LENDING, as servicer for BENEFICIAL FINANCIAL I INC. bankruptcy@feinsuch.com

TOTAL: 14